



General Assembly

February Session, 2016

Raised Bill No. 384

LCO No. 2439



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE APPLICATION OF THE BOTTLE BILL TO WINE AND LIQUOR BOTTLES FOR PURPOSES OF FUNDING STATE PARKS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-243 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 For purposes of sections 22a-243 to 22a-245c, inclusive:

4 (1) "Carbonated beverage" means beer or other malt beverages, any
5 sparkling wine, champagne and mineral waters, soda water and
6 similar carbonated soft drinks in liquid form and intended for human
7 consumption;

8 (2) "Noncarbonated beverage" means water, including flavored
9 water, nutritionally enhanced water and any beverage that is identified
10 through the use of letters, words or symbols on such beverage's
11 product label as a type of water, wine or liquor, but excluding juice,

12 [and] mineral water, sparkling wine and champagne;

13 (3) "Beverage container" means the individual, separate, sealed
14 glass, metal or plastic bottle, can, jar or carton containing a carbonated
15 or noncarbonated beverage, but does not include a bottle, can, jar or
16 carton (A) three liters or more in size if containing a noncarbonated
17 beverage, or (B) made of high-density polyethylene unless it is used to
18 contain liquor;

19 (4) "Consumer" means every person who purchases a beverage in a
20 beverage container for use or consumption;

21 (5) "Dealer" means every person who engages in the sale of
22 beverages in beverage containers to a consumer;

23 (6) "Distributor" means every person who engages in the sale of
24 beverages in beverage containers to a dealer in this state including any
25 manufacturer who engages in such sale and includes a dealer who
26 engages in the sale of beverages in beverage containers on which no
27 deposit has been collected prior to retail sale;

28 (7) "Manufacturer" means every person bottling, canning or
29 otherwise filling beverage containers for sale to distributors or dealers
30 or, in the case of private label brands, the owner of the private label
31 trademark;

32 (8) "Place of business of a dealer" means the fixed location at which
33 a dealer sells or offers for sale beverages in beverage containers to
34 consumers;

35 (9) "Redemption center" means any facility established to redeem
36 empty beverage containers from consumers or to collect and sort
37 empty beverage containers from dealers and to prepare such
38 containers for redemption by the appropriate distributors;

39 (10) "Use or consumption" includes the exercise of any right or
40 power over a beverage incident to the ownership thereof, other than

41 the sale or the keeping or retention of a beverage for the purposes of
42 sale;

43 (11) "Nonrefillable beverage container" means a beverage container
44 which is not designed to be refilled and reused in its original shape;
45 and

46 (12) "Deposit initiator" means the first distributor to collect the
47 deposit on a beverage container sold to any person within this state.

48 Sec. 2. Subsection (a) of section 22a-244 of the general statutes is
49 repealed and the following is substituted in lieu thereof (*Effective*
50 *October 1, 2016*):

51 (a) (1) Every beverage container containing a carbonated beverage
52 sold or offered for sale in this state, except for any such beverage
53 containers sold or offered for sale for consumption on an interstate
54 passenger carrier, shall have a refund value. Such refund value shall
55 not be less than five cents and shall be a uniform amount throughout
56 the distribution process in this state provided such refund value shall
57 be fifteen cents for any beverage container containing any sparkling
58 wine or champagne. (2) Every beverage container containing a
59 noncarbonated beverage sold or offered for sale in this state shall have
60 a refund value, except for beverage containers containing a
61 noncarbonated beverage that are (A) sold or offered for sale for
62 consumption on an interstate passenger carrier, or (B) that comprise
63 any dealer's existing inventory as of March 31, 2009. Such refund value
64 shall not be less than five cents and shall be a uniform amount
65 throughout the distribution process in this state provided such refund
66 value shall be not less than fifteen cents for any beverage container
67 containing any wine or liquor.

68 Sec. 3. Subsection (d) of section 22a-245 of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2016*):

71 (d) In addition to the refund value of a beverage container, a
 72 distributor shall pay to any dealer or operator of a redemption center a
 73 handling fee of at least one and one-half cents for each container of
 74 beer or other malt beverage, [and] two cents for each beverage
 75 container of mineral waters, soda water and similar carbonated soft
 76 drinks or noncarbonated beverage and five cents for each beverage
 77 container of sparkling wine, champagne, wine or liquor returned for
 78 redemption. A distributor shall not be required to pay to a
 79 manufacturer the refund value of a nonrefillable beverage container.

80 Sec. 4. Section 22a-245a of the general statutes is amended by adding
 81 subsection (k) as follows (*Effective October 1, 2016*):

82 (NEW) (k) Notwithstanding the provisions of subsection (d) of this
 83 section, any balance outstanding in the special account that is
 84 attributable to the sale of any beverage container containing any
 85 sparkling wine, champagne, wine or liquor and that is paid by the
 86 deposit initiator to the Commissioner of Revenue Services shall be
 87 transferred by the Commissioner of Revenue Services to the
 88 Commissioner of Energy and Environmental Protection for deposit in
 89 the maintenance, repair and improvement account established
 90 pursuant to section 23-15b.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	22a-243
Sec. 2	<i>October 1, 2016</i>	22a-244(a)
Sec. 3	<i>October 1, 2016</i>	22a-245(d)
Sec. 4	<i>October 1, 2016</i>	22a-245a

Statement of Purpose:

To apply the bottle bill to wine and liquor containers and designate unclaimed deposit refunds from the sale of such containers for the operation, maintenance and repair of state parks.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]